IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.20608 of 2007

Dated: October 23, 2007

Between:

Sri P. Appala Naidu, S/o. late P. Suryanarayana,
Aged 47 years, Occ: Business, R/o.D.No.45-2-40/11,
Ramachandra Nagar, Akkayyapalem Post, Visakhapatnam
District.

… Petitioner

And

The Mandal Revenue Officer (Tahsildar)
Chinagadili Mandal (Rural), Visakhapatnam
District, and another.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the first respondent in not considering the representation of the petitioner dated 13-07-2007 in respect of house bearing D.No.18-20 in Sy.No.81/11 of Pedagadili village, Visakhapatnam District as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned

Government Pleader for Revenue appearing for respondents.

3. Petitioner claims to be the absolute owner and possessor of property admeasuring 336 Sq. yards in the aforesaid survey number and village having acquired the same from his ancestors. The case of the petitioner is that he constructed a house with commercial shops therein and it was allotted D.No.18-20. Petitioner, with an intention to lease out one of his shops to one Mr. Thota Umamaheswara Rao for a period of three years, executed a lease deed and when he presented the same for registration before the In-charge District Registrar, Visakhapatnam, proceedings dated 06-06-2007 were issued to the petitioner's counsel to advise the petitioner to present the said document before the
Sub-Registrar having jurisdiction over the area in which the property in question is situated. In the said proceedings itself, it was also stated that the petitioner may approach the Mandal Revenue Officer concerned for confirmation of the village particulars of the property in question. Based on the said proceedings, petitioner submitted representation dated 13-07-2007 to the first respondent to give him a detailed report as to in which village his property falls. His grievance is that though the said representation is pending, no action whatsoever has been taken.

4. In the representation dated 13-07-2007 itself, petitioner has mentioned that his property forms part of Sy.No.81/11 of Chinagadili Village. So, petitioner can as well approach the Sub-Registrar concerned and present the said lease deed for registration. However, he cannot seek an enquiry report from the first respondent on the ground that he is not aware of the particulars of his property. Having regard to the fact that the petitioner was advised to approach the Sub-

Registrar concerned, I am of the opinion that it is not necessary to direct the first respondent to consider the representation of the petitioner.

5. In the circumstances, I dispose of the writ petition directing the petitioner to present the said lease deed, with all other necessary particulars, before the Sub-Registrar having jurisdiction over the area in which his property is situated. If petitioner does so, the said authority shall consider the said lease deed for registration, provided, the same is in accordance with the Indian Stamp Act, 1899, the Registration Act, 1908, and the rules made thereunder. It is clarified that if there are any objections for registering the said document, it is open for the said authority to make an endorsement to that effect, record reasons and communicate the same to the petitioner. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

October 23, 2007
MRR